

**COMMITTEE ON DENTAL AUXILIARIES**

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**Committee on Dental Auxiliaries
Public Meeting Minutes
Sacramento, California
April 18, 2007**

A public meeting of The Committee on Dental Auxiliaries (COMDA) was held April 18, 2007 at the Greg Georges Conference Room at the Department of Consumer Affairs (DCA) Howe Avenue Complex in Sacramento. Due notice had been sent to all known interested parties.

1. Call to order/Member roll call

Chairperson Shanda Wallace called the meeting to order at 10:32 AM and welcomed everyone. A quorum was established with the following members present:

Rochelle Bache, RDAEF
William Baker
Judith Forsythe, RDA
Linda Gipson, RDH
Shanda Wallace, RDH

2. Closed Session – Discussion of personnel matters pursuant to Government Code Section 11126(a)

It was moved by Mr. Baker, seconded by Ms. Bache and carried unanimously to go into closed session to discuss the process for the annual review of the Executive Officer.

3. Return to open session

The Committee returned to open session at 12:15 PM and Chairperson Wallace announced that a review process had been agreed upon and the review would take place at the next meeting.

4. Approval of Minutes

Mr. Baker moved and Ms. Bache seconded approval of the February 7, 2007 open session minutes. The motion carried unanimously.

5. Chairperson's Report

Ms. Wallace reported on her recent discussions with Dental Board of California (DBC) Chairperson Lewis Turchi, DDS and Rick Wallinder, DBC Executive Officer. These conversations were an effort to open the lines of communication and strengthen the relationship between COMDA and the DBC. Ms. Wallace thanked Dr. Turchi and Mr. Wallinder for the time and effort they have dedicated to improving the relationship.

between COMDA and the DBC.

Ms. Wallace announced the departure of staff members Laura Fisher, Receptionist, and Lori Hubble, Examination and RDH Program Coordinator noting that Ms. Hubble accepted a job with the DBC and Ms. Fisher accepted a promotion with the Board of Accountancy. Ms. Wallace expressed the Committee's gratitude for their service.

6. Report of the Executive Officer

Ms. Ware echoed thanks and good wishes for the departing employees and welcomed new staff member Nichole Johnston. As the new secretary/administrative assistant, Ms. Johnston will assist COMDA members with their travel expense claims.

Ms. Ware announced that Carrie Lopez, formerly Executive Director of Coro Southern California, a nonprofit foundation dedicated to preparing civic leaders, was appointed the new Director of DCA.

7. RDA Program

RDA licensing and examination statistics were reviewed. The RDA practical examination income and expense report continued to show that fees received for the RDA exam are sufficient to cover the direct cost of examination administration as well as provide some funds to assist with indirect costs including examiner training, examination subcommittee meetings, occupational analysis, etc.

The first annual cycle of educational consultant recruitment concluded in March and two new subject matter experts were selected:

- Marla Rocha, RDA
- Lori Gagliardi, RDA, RDH.

Lorie Kiley, RDA School Approval and Program Coordinator, presented review results for four applications for RDA course approval. Recommendation for approval of the following courses was moved by Ms. Bache, seconded by Ms. Forsythe, and carried unanimously:

Pit and Fissure Sealant Course

- Allan Hancock College, Santa Maria
- College of Marin, Kentfield
- San Bernardino County ROP, Heperia

Recommendation for approval of the following course was moved by Ms. Bache, seconded by Ms. Forsythe and carried unanimously:

Radiation Safety Course

- Academy of Dental Careers, San Juan Capistrano

8. EF Program

Extended Functions (EF) examination results and a report on EF examination income & expenses were reviewed.

9. RDH Program

RDH licensing and examination statistics were reviewed. Discussion ensued regarding examination income and expenses. Ms. Bache asked if an increase in the RDH examination fee would be possible and Ms. Ware clarified that the current RDH examination fee is at the limit allowed by law, so any increase in this fee would require legislation. She suggested including this change in the pending “clean-up” legislation.

JoAnne Galliano, representing the California Dental Hygienist’s Association (CDHA), expressed concerns about increasing the examination fee.

Ms. Hubble reported on a meeting with representatives of Psychological Services Incorporated (PSI), DCA’s new vendor for computer based testing services, noting that PSI offers broader services, more testing sites, and lower cost than the previous vendor. She reported that PSI will begin testing June 1 and said that they will work with COMDA to convert the Hygiene Law & Ethics examination to computer based administration with the goal of beginning that service in 2008.

10. Budget, Fund Condition and Fee Structure

A fund condition memo and analysis were reviewed. Ms. Ware reported that the DCA budget analyst assigned to COMDA indicated that at least \$525,000 in additional revenue must be generated for COMDA each year beginning in FY 2008-09 in order to keep the fund in the black.

Ms. Ware proposed increasing fees by resolution as follows:

Fee	Current	Proposed	Formula	Projected Annual Increased Income
Biennial renewal	\$55	\$70	$33,000^1 \times \$15$	\$495,000
Delinquency	\$25	\$35	$2144^2 \times \$10$	\$21,440
License certification or verification	\$10	\$25	$418^3 \times \$15$	\$6,270
Duplicate License	\$10	\$25	$438^4 \times \$15$	\$6,570
Total				\$529,280

¹ Based on 11/06 licensee data

² FY 04-05 actual number. The law provides for \$25 or ½ of renewal fee, whichever is greater.

³ FY 04-05 actual number. This increases the fee to the maximum allowed.

⁴ FY 04-05 actual number. COMDA voted in 11/06 to increase this fee to \$20, however in light of the new fund condition projections staff is recommending an increase to the maximum fee allowable by law when the change is implemented in the new FY.

Discussion ensued. Mr. Baker moved and Ms. Bache seconded adopting the fee increases recommended by staff effective July 1, 2007 including, on the advise of counsel if necessary, a drafted resolution or regulation to that affect. The motion carried unanimously. When making her report to the DBC, Ms. Wallace will recommend ratification of the fee changes.

Following further discussion, it was moved by Ms. Bache and seconded by Ms. Forsythe to recommend to the DBC that an the clean-up legislation language be amended to make elimination of the RDA program and course approval application fee exemption effective upon passage of the legislation, as opposed to waiting until 2010. The motion carried unanimously.

It was then moved by Ms. Bache and seconded by Ms. Forsythe to recommend further amendments to the clean-up legislation to allow COMDA to charge the actual cost of administration for all examinations, with the specific fee amounts to be established through regulations. Following discussion, the motion carried unanimously.

11. Legislation and Regulations

11a – Proposed Regulations to Implement SB 1546 and SB 1541

The Committee agreed to discuss each category of the proposed regulations separately, first considering regulations related to the new specialty educational programs. Mr. Baker moved and Ms. Bache seconded that COMDA refer to the DBC the proposed language for new educational program regulations including Registered Orthodontic Assistant, Registered Surgery Assistant, Registered Restorative Assistant and Extended Functions. The motion carried unanimously. It was agreed by consensus that Ms. Ware could correct typographical and style errors before moving the regulations on to the DBC.

Attention then turned to the proposed language relating to courses that would allow currently licensed RDAs to upgrade to the new scope of practice, specifically Orthodontic Bracket Placement and Removal; Adding Drugs, Medications and Fluids to Intravenous Lines; Monitoring During Sedation; and Extended Functions. Ms. Bache moved and Ms. Gipson seconded that COMDA refer to the DBC the proposed language for the courses on these topics that would qualify current licensees for the new scope of practice. The motion carried unanimously.

Lori Gagliardi, RDA program director at Pasadena City College, addressed the Committee expressing concerns about a possible loophole relating to past changes in licensure requirements. She suggested that the new regulatory language should include provisions designed to ensure that all licensees who qualify to practice under the new enhanced EF scope of practice have met the coronal polishing and pit and fissure sealant requirements. Discussion ensued. Counsel advised bringing the issue to the DBC where the language could be modified accordingly.

Cathy Mudge, representing the California Dental Association (CDA), asked to have the record show that the CDA has not commented on this portion of the proposed regulations because these provisions have been lifted out of the regulations for the new educational programs upon which the CDA has previously submitted comments. She further stated that while much progress has been made, the CDA was not yet completely happy with the

proposed regulatory package. Barbara Blade-Jacobs, representing the Dental Assisting Alliance, addressed the Committee stating the Alliance's support for referring the proposed regulations to the DBC for further consideration. She also supported addressing the issue raised by Ms. Gagliardi.

The Committee then turned to discuss the infection control course requirement from SB 1546. Although staff had recommended use of existing Board approved infection control courses to address this requirement, Ms. Wallace expressed her desire for more comprehensive infection control training than what is offered in the board approved continuing education courses on infection control. Discussion ensued. Ms. Bache moved and Ms. Forsythe seconded that COMDA refer to the DBC proposed infection control course language that was previously submitted by the Alliance. The motion carried unanimously. Cathy Mudge, representing the CDA, asked to go on record as not providing any formal comments on infection control, but stressed that the CDA recognizes the importance of infection control and ensuring that any proposed course on the topic is accessible to all dental assistants.

The Committee then considered proposed language for regulations relating to dental assisting core coursework that is presented in secondary and regional occupation program (ROP) settings. Mr. Baker moved and Ms. Bache seconded to refer the proposed secondary/ROP language to the DBC. The motion carried unanimously.

11b. Proposed Clean-up Legislation

The Committee noted that at its February 2007 meeting, it referred to the DBC recommendations to include in the proposed clean-up legislation language that would:

- Extend the existing RDA licensing program until implementation of the new specialty licensure program and
- Extend COMDA's ability to offer the current RDA examinations.

It was noted that decisions made in this meeting would add the following requests for amendment of the proposed clean-up legislation:

- Change language in the statute to indicate that examination fees would be limited to the actual cost of the examination.
- Adjust language to have all fee changes not related to the new specialties go into effect when the bill becomes law.

11c. Pending Legislation of Interest

Ms. Ware updated the Committee on SB 534 (Perata) that would create a dental hygiene board, stating that the bill is essentially the same language introduced last year when creation of a dental hygiene bureau within the department was proposed. Last year's bill passed, but was vetoed by the governor. The Committee did not take a position on SB 534.

AB 269 (Eng) was introduced in February and recently amended to include dental auxiliaries as well as dentists. The bill would impose new reporting requirements associated with license renewal and require that specialty board certification and practice status be posted on the web site listing of licensees. Additionally, the bill would authorize

reporting of cultural background and foreign language proficiency. The bill would require that this information be compiled and reported on the web site on or before October 1 each year. Ms. Ware reported meeting with a representative of the Latino Coalition for a Healthy California, which is sponsoring the bill, and said that they previously sponsored similar legislation creating these reporting requirements for physicians and surgeons. She reported that the renewal process could be slowed in order to check each renewal for the additional information, an additional position may be needed to handle the increased workload, and there would be information technology (IT) costs to update the computer program and web site and post the new information on the web site. DCA's budget analyst projected initial mid-year costs at \$41,000 and ongoing annual costs of \$56,000. The Committee did not take a position on the bill.

Ms. Ware also mentioned AB 1075 (Bass), which had recently come to her attention. It would prohibit any licensing board, committee or bureau within DCA from denying, revoking, or suspending a license based on a criminal conviction that has been withdrawn and would require boards to provide the applicant or ex-licensee a copy of the criminal history record upon the determination to deny, suspend or revoke licensure. She reported that the department has stated its opposition to the bill and expressed concern about the impact it could have on public protection. Additionally, there are concerns about requiring boards to distribute copies of criminal history reports since the subject of the record may already obtain a copy from the Department of Justice (DOJ) and current law prohibits other agencies who receive the reports from DOJ from distributing them.

11d. Update on Pending Regulations

Ms. Ware reported on pending regulations. The regulatory proposal that would clarify the definition of "clinical practice" as applied to requirements for licensure as a registered dental hygienist in alternative practice (§ 1079.2) has been re-noticed by the DBC and the hearing set for May 15, 2007 at 1:00 PM.

The regulatory proposal that would delegate RDA school and program approval authority to the executive officers was not submitted to the Office of Administrative Law (OAL) by the DBC based upon advice from counsel. DBC staff is recommending that this issue be addressed legislatively and this would be discussed at the upcoming DBC meeting.

A letter from Terri Poulos, Acting Director of the Dental Hygiene Program at Southwestern College, was reviewed and the Committee asked to have the next meeting agenda include discussion of her request for regulations governing approval of RDH courses relating to the administration of nitrous oxide and oxygen, administration of local anesthetic agents, and periodontal soft tissue curettage.

12. Annual Review of Strategic Plan

Ms. Ware presented a document assessing progress toward achieving the goals and objectives in the strategic plan adopted by the Committee in April 2005, noting that the annual strategic planning discussion did not take place in April 2006 due to other pressing business. The Committee decided by consensus to reserve a block of time in September 2007 for this discussion, thus allowing COMDA members ample time to review the report and prepare for the strategic planning session.

13. Future agenda items and issues of interest

The following agenda items were identified:

- Clean-up legislation
- Possible regulations to address issues relating to dentists providing work experience training in the new RDA specialties
- An informational item on the process of approval to teach a course in teaching methodology

14. Additional public comments

Cathy Mudge, representing the CDA, addressed the Committee.

15. Adjournment

The next meeting was set for Wednesday, May 30, 2007 in Sacramento. As there was no further business, the meeting was adjourned at 3:50 p.m.

Prepared by Nichole Johnston

Submitted to the Committee for approval at its May 30, 2007 meeting.

APPROVED:

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Shanda Wallace, RDH
Chairperson, Committee on Dental Auxiliaries